

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

DNC PARKS & RESORTS AT  
YOSEMITE, INC.,

Plaintiff,

V.

THE UNITED STATES,

Defendant,

V.

YOSEMITE HOSPITALITY, LLC,

### Third-Party Defendant.

No. 15-1034C  
(Judge Campbell-Smith)

## **JOINT MOTION FOR ENLARGEMENT OF THE DISCOVERY PERIOD**

Pursuant to Rule 6.1 of the Rules of the United States Court of Federal Claims (RCFC), the parties jointly request an enlargement of 120 days for the completion of fact discovery, with an approximate corresponding 120-day enlargement on the remaining currently-scheduled dates for expert discovery and dispositive motions.

Currently, pursuant to the Court's June 18, 2018 order, fact discovery must be completed by April 25, 2019; expert related discovery is to run between May 23, 2019 and September 15, 2019, with a joint status report due to be filed on or before October 21, 2019. With the requested approximate 120-day enlargement, fact discovery would be completed by August 23, 2019 and the dates for expert discovery and the filing of a joint status report would be similarly enlarged by approximately 120 days. The specific proposed enlarged schedule is set forth below.

Good cause exists for the enlargement.

On August 23, 2018, the parties collectively agreed to suspend discovery for an indefinite period pending the conclusion of settlement discussions. That suspension of discovery has continued as the parties have engaged in settlement discussion the past several months. Although the parties have made significant progress in their settlement discussions, should settlement ultimately not prove possible, the parties have agreed that discovery will promptly resume. Given the amount of discovery that would need to be obtained should discovery resume, the parties agree that an enlargement of approximately 120 days to the current discovery schedule is appropriate.

Our proposed enlargement would change the existing deadlines to the following dates:

Date	Deadline
August 23, 2019	Completion of fact discovery
September 20, 2019	Disclosure of experts
October 4, 2019	Initial expert reports
November 8, 2019	Rebuttal expert reports
January 13, 2020	Completion of expert discovery, including depositions
February 18, 2020	Joint Status Report (in accord with the topics set forth in the Court's November 27, 2018 Order).

### CONCLUSION

For these reasons, the parties respectfully request that the Court grant our joint motion to enlarge the existing fact and expert discovery deadlines and the deadline for dispositive motions by approximately 120 days.

Respectfully Submitted,

AKIN GUMP STRAUSS HAUER  
& FELD, LLP

/s/ Thomas P. McLish  
THOMAS P. MCLISH  
1333 New Hampshire Avenue, N.W.  
Washington, D.C. 20036-1564  
(202) 887-4000 (Tel)  
(202) 887-4288 (Fax)  
Email: [tmclish@akingump.com](mailto:tmclish@akingump.com)

PHILLIPS LYTLE LLP  
Nicolas J. Rotsko  
[nrotsko@phillipslytle.com](mailto:nrotsko@phillipslytle.com)  
One Canalside  
125 Main Street  
Buffalo, NY 14203-2887  
(716) 847-8400 (Tel)  
(716) 852-6100 (Fax)

*Counsel for Delaware North Parks & Resorts  
at Yosemite, Inc.*

JOSEPH H. HUNT  
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.  
Director

/s/ Claudia Burke  
CLAUDIA BURKE  
Assistant Director

/s/ John Roberson  
JOHN H. ROBERSON  
Senior Trial Counsel

Commercial Litigation Branch  
Department of Justice  
P.O. Box 480  
Ben Franklin Station  
Washington, D.C. 20044  
Tele: (202) 353-7972  
Fax: (202) 514-8640  
Email: [John.Roberson@usdoj.gov](mailto:John.Roberson@usdoj.gov)  
Of Counsel  
SCOTT BOLDEN  
Civil Division

IGOR HELMAN  
MARGARET J. JANTZEN  
Trial Attorneys  
Department of Justice

*Counsel for the United States*

WILMER CUTLER PICKERING  
HALE AND DORR LLP

/s/ Jamie S. Gorelick  
JAMIE S. GORELICK  
*Counsel of Record*  
1875 Pennsylvania Ave. NW

Washington, DC 2006  
Tel.: (202) 663-6000  
Fax: (202) 663-6363  
[jamie.gorelick@wilmerhal.com](mailto:jamie.gorelick@wilmerhal.com)

*Of Counsel*  
Carl Nichols  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Avenue. NW  
Tel.: (202) 663-6000  
Fax: (202) 663-6363  
[carl.nichols@wilmerhale.com](mailto:carl.nichols@wilmerhale.com)

Vinita Ferrara  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
Tel.: (617) 526-6000  
Fax: (617) 526-5000  
[vinita.ferrera@wilmerhale.com](mailto:vinita.ferrera@wilmerhale.com)

*Counsel for Aramark Corporation*

Dated: April 25, 2019